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Attorneys for Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEETA THAKUR, KEN ALEX, NELL
 GREEN NYLEN, ROBERT HIRST,
 CHRISTINE PHILLIOU, and JEDDA
 FOREMAN, on behalf of themselves and all
 others similarly situated,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
 President of the United States;
 DEPARTMENT OF GOVERNMENT
 EFFICIENCY (“DOGE”);
 AMY GLEASON, in her official capacity as
 Acting Administrator of the Department of
 Government Efficiency;
 NATIONAL SCIENCE FOUNDATION;
 BRIAN STONE, in his official capacity as
 Acting Director of the National Science

Case No. 3:25-cv-4737

**DECLARATION OF ELIZABETH J.
 CABRASER IN SUPPORT OF
 SUPPLEMENTAL BRIEF**

1 Foundation;
 2 NATIONAL ENDOWMENT FOR THE
 3 HUMANITIES;
 4 MICHAEL MCDONALD, in his official
 5 capacity as Acting Chairman of the National
 6 Endowment for the Humanities;
 7 UNITED STATES ENVIRONMENTAL
 8 PROTECTION AGENCY;
 9 LEE ZELDIN, in his official capacity as
 10 Administrator of the U.S. Environmental
 11 Protection Agency;
 12 UNITED STATES DEPARTMENT OF
 13 AGRICULTURE;
 14 BROOKE ROLLINS, in her official capacity as
 15 Secretary of the U.S. Department of Agriculture;
 16 AMERICORPS (a.k.a. the CORPORATION
 17 FOR NATIONAL AND COMMUNITY
 18 SERVICE);
 19 JENNIFER BASTRESS TAHMASEBI, in her
 20 official capacity as Interim Agency Head of
 21 AmeriCorps;
 22 UNITED STATES DEPARTMENT OF
 23 DEFENSE;
 24 PETE HEGSETH, in his official capacity as
 25 Secretary of the U.S. Department of Defense;
 26 UNITED STATES DEPARTMENT OF
 27 EDUCATION;
 28 LINDA MCMAHON, in her official capacity as
 Secretary of the U.S. Department of Education;
 UNITED STATES DEPARTMENT OF
 ENERGY;
 CHRIS WRIGHT, in his official capacity as
 Secretary of Energy;
 UNITED STATES DEPARTMENT OF
 HEALTH AND HUMAN SERVICES;
 ROBERT F. KENNEDY, JR., in his official
 capacity as Secretary of the U.S. Department of
 Health and Human Services;
 UNITED STATES CENTERS FOR DISEASE
 CONTROL;
 MATTHEW BUZZELLI, in his official capacity
 as Acting Director of the Centers for Disease
 Control;
 UNITED STATES FOOD AND DRUG
 ADMINISTRATION;
 MARTIN A. MAKARY, in his official capacity
 as Commissioner of the Food and Drug
 Administration;
 UNITED STATES NATIONAL INSTITUTES
 OF HEALTH;
 JAYANTA BHATTACHARYA, in his official
 capacity as Director of the National Institutes of
 Health;
 INSTITUTE OF MUSEUM AND LIBRARY
 SERVICES;

1 KEITH SONDERLING, in his official capacity
 2 as Acting Director of the Institute of Museum
 and Library Services;
 3 UNITED STATES DEPARTMENT OF THE
 INTERIOR;
 4 DOUG BURGUM, in his official capacity as
 Secretary of the Interior;
 5 UNITED STATES DEPARTMENT OF STATE;
 MARCO RUBIO, in his official capacity as
 6 Secretary of the U.S. Department of State;
 DEPARTMENT OF TRANSPORTATION;
 7 SEAN DUFFY, in his official capacity as
 Secretary for the U.S. Department of
 Transportation,
 8
 9 Defendants.

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 11 I, Elizabeth J. Cabraser, declare as follows:

12 1. I am an attorney admitted to practice in the state of California. I am a partner of
 13 Lieff Cabraser Heimann & Bernstein LLP (“LCHB”). I respectfully submit this declaration in
 14 support of Plaintiffs’ Supplemental Motion. I have personal knowledge of the facts set forth in
 15 this declaration, and could testify competently to them if called upon to do so.

16 2. On June 17, 2025, Defendants produced information to Plaintiffs in response to the
 17 Court’s Discovery Order, ECF 32.

18 3. In response to Category 1 of the Court’s order (the “Agency Process” category),
 19 Defendants produced:

- 20 a. For the Environmental Protection Agency, a two-page declaration.
- 21 b. For the National Science Foundation, a two-page declaration, two emails,
 22 and three documents with information publicly available on NSF’s website.
- 23 c. For the National Endowment for the Humanities, a four-page declaration
 24 and three emails.
- 25 d. For the Food and Drug Administration, a two-page declaration, which
 26 attached the “HHS Grants Policy Statement,” a 105-page document.

27 4. In response to Category 3 of the Court’s order (the “Exemplar Termination
 28 Letters” category), Defendants produced exemplar termination letters for AmeriCorps,

1 Department of Defense, Department of Energy, Institute of Museum and Library Services,
2 National Institutes of Health, and United States Department of Agriculture.

3 5. In total, Defendants produced 53 pages of documents, excluding the HHS Policy
4 Statement. Defendants produced 158 pages of documents including the Statement.

5 6. Attached as **Exhibit A** is a true and correct copy of Defendants' "EPA
6 Production," under the Agency Process category.

7 7. Attached as **Exhibit B** is a true and correct copy of Defendants' "NSF
8 Production," under the Agency Process category.

9 8. Attached as **Exhibit C** is a true and correct copy of Defendants' "NEH
10 Production," under the Agency Process category. Because Defendants did not add Bates-stamps
11 to this production, Plaintiffs added numerical page numbers to the production for ease of
12 reference.

13 9. Attached as **Exhibit D** is a true and correct copy of Defendants' "FDA
14 Production," under the Agency Process category.

15 10. Attached as **Exhibit E** is a true and correct copy of Defendants' "DOD
16 Production," under the Exemplar Termination Letters category.

17 11. Attached as **Exhibit F** is a true and correct copy of Defendants' "NIH
18 Production," under the Exemplar Termination Letters category.

19 12. Attached as **Exhibit G** is a true and correct copy of Defendants' "Ed[ucation]
20 Production," under the Exemplar Termination Letters category.

21 13. Attached as **Exhibit H** is a true and correct copy of Defendants' "AmeriCorp[s]
22 Production," under the Exemplar Termination Letters category.

23 14. Attached as **Exhibit I** is a true and correct copy of Defendants' "USDA
24 Production," under the Exemplar Termination Letters category.

25 15. Attached as **Exhibit J** is a true and correct copy of Defendants' "IMLS
26 Production," under the Exemplar Termination Letters category.

27 16. Evidence regarding the termination decision-making of an additional Federal
28 Agency Defendant, the National Institutes of Health ("NIH"), is available in the action brought by

1 a number of Attorneys General in *Commonwealth of Massachusetts, et al. v. Robert F. Kennedy,*
2 *Jr. et al.*, No: 1:25-cv-10814, Dkt. 127 (June 9, 2025) (proposed order attaching the certified
3 administrative record in that case). That evidence confirms that NIH terminated grants using the
4 same general procedures as the other Federal Agency Defendants and in violation of the
5 Constitution and Administrative Procedure Act.

6 I declare under penalty of perjury under the laws of the State of California and the United
7 States that the foregoing is true and correct.

8 Executed this 19th day of June, 2025, in San Francisco.

9
10 /s/Elizabeth Cabraser

11 Elizabeth Cabraser
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